

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
UNIFIED FIRE STATION 106  
1911 EAST 3300 SOUTH  
SALT LAKE CITY, UTAH 84109  
JANUARY 17, 2012

In Attendance: Hutch Foster, Bob Burdette, Suzanne Larsen, Alan Powell (Area 3) Mike Gonzalez (Area 6), Tom Deaver (Area 4)

Dan Heath, Matt Brown, (Area 1), Bruce Hutchinson, (Area 5) and Jeff Hubbard (Area 2) were excused.

Guest: Tony Tyler, Lot D-33

Hutch Foster called the meeting to order at 6:30 p.m.

### **Approval of Minutes – December 6, 2011**

Mr. Foster clarified that he had not read the minutes because he could not find his copy on the email.

MOTION: Tom Deaver moved to APPROVE the Regular minutes of December 6, 2011. Alan Powell seconded the motion.

There was no discussion or corrections

VOTE: The motion passed unanimously. Tom Deaver and Hutch Foster abstained from the vote.

### **Owner/Visitor Open Forum and Other Owner Communications**

Tony Tyler, Lot D-33, stated that he did not have an issue to discuss. He had attended the meeting to listen to the discussion and offer his help if necessary. Mr. Burdette stated that every owner is encouraged to attend the Board meetings. He welcomed Mr. Tyler and appreciated his input.

### **ECC Plan Review**

There were no comments.

### **Ranch Manager's Report.**

Jody was late in arriving and Mr. Foster started the Manager's report in his absence.

### Projects completed or in Progress

Mr. Foster remarked that with the constant melt/freeze cycle, Jody had been spending a lot of time sanding. At this point Jody had moved back into plowing. He bladed and sanded the day before, but the road was still hard packed and slick.

### Anticipated Projects

Mr. Foster believed the customary winter projects were the anticipated projects.

### Replace Mobile Phone

Mr. Foster stated that when Jody was hired on the Ranch they initially talked about giving him the capacity to read emails and do research and other things from his phone. A new phone was never purchased and Jody has been using the same phone for the past three years or more years. Jody had asked if he could purchase a new phone.

Mr. Foster asked if the Association reimburses Jody for his phone bill. Mr. Burdette replied that the Association has paid half of the Water Company's phone bill. He believed it was land line in the office that they share. Mr. Burdette did not believe they were paying Jody's phone bill.

### **Jody Robinson arrived**

### Equipment Status

Jody stated that all the equipment was in good condition. His primary project was snow removal. He needed to change the oil on the truck and purchase a set of tire chains for the dump truck. He estimated the chains would cost approximately \$180.

Mr. Foster asked when the Water Company would begin to dig. Jody replied that they were waiting until next week because a storm was predicted for this week. It has already been blue staked and Jody would help Brody and Trevor flag the stakes before the storm.

Mr. Foster asked Jody if the Association reimburses his phone bill. Jody answered no. His phone bill averages approximately \$94 per month. Mr. Burdette thought the Association should pay at least half of his bill. He assumed at least half of the bill was being used for Ranch business. Mr. Burdette pointed out that the Board has Jody's number but they try not to give it out to the owners. Jody stated that he has given his number to some of the owners for emergency purposes.

Mr. Foster clarified that Jody used Verizon and he was eligible for an upgrade. Jody had a copy of the phone he was interested in purchasing. The cost would be \$269 plus tax with a two-year contract.

Mr. Foster reiterated that the first year Jody was hired the Board wanted him to have a phone with email capacity and said they would get him one. That was three years ago. Mr. Foster suggested that the Board follow through on that initial intent.

Mr. Deaver suggested that the Board reimburse Jody for half of his phone bill retroactive to January 1, 2011, which would be \$540 for the year.

Mr. Burdette requested that any motions regarding Jody's phone be postponed until the budget portion of the meeting.

Jody stated that he was having trouble with the furnace in his office. He ordered parts and they arrived; however, the furnace works some of the time and other times it does not. He intended to live with it for now, but he may be requesting a new furnace in the near future. He has a space heater but it is not very effective.

Mr. Burdette noted that the heater is a propane heater and he was concerned about a malfunction that could cause Jody damage or harm. Jody replied that the thermal coupler was bad and the furnace would not kick on. He did not believe there were any safety risks. Mr. Foster ordered Jody to install a carbon monoxide detector before he spends another night in the building. Mr. Burdette concurred.

## **Old Business**

### Deer Meadows Subdivision

Tom Deaver reported that a public hearing on Deer Meadows was scheduled the following evening with the Summit County Council and not the Planning Commission. Mr. Foster asked if the Planning Commission had forwarded a positive recommendation to the Council. Mr. Deaver replied that from everything he read the Planning Commission was opposed to the project. However, he has read emails indicating that the County Council favors the project. Mr. Deaver understood that the Council told the applicants that if they wrote the proposal as it was presented they would approve it.

Mr. Burdette remarked that the Eastern Summit County Planning Commission met in December in Kamas. The applicant, Doug McAllister, asked the Planning Commission how they would vote on the project. The Planning Commission informed Mr. McAllister

that they were not able to vote on a project without a written proposal. Mr. McAllister asked for an inclination of how they would vote if he came back with a written proposal. The Planning Commission then took a straw vote and the result was 5-2 in favor.

Mr. Deaver stated that Adrian Slaughter with the Planning Department posted documents on the Summit County Website and he gave the project a negative recommendation. Mr. Burdette pointed out that the Planning Commission, however, did not have to follow his recommendation.

Mr. Deaver remarked that the Cook brothers own 600 acres behind the McAllister property and they were planning to develop their property in the same manner with a high density of houses on 600 acres. Mr. Deaver was concerned about the additional traffic on Tollgate.

Mr. Burdette believed the meeting the next evening was another meeting with the Planning and Zoning Commission and not the County Council, as Mr. Deaver had reported. Mr. Burdette assumed the proposal would be presented with written documentation and the Planning and Zoning Commission would vote. He believed the outcome would be the same as the straw vote and that recommendation would be forwarded to the County Council.

Mr. Deaver remarked that in the document he read, one of the drawbacks was the fact that Tollgate is a substandard road and rated by Summit County as an extreme hazard road. In the discussion it was suggested that Tollgate be upgraded to a Class B County Road. One of the Planning Commissioners replied that the owners do not pay Class B taxes. Mr. Deaver believed they were alluding to the idea that every owner could pay a Class B County tax to pay for the McAllister and Cook developments. Mr. Foster did not believe the information was entirely accurate or complete.

Mr. Burdette thought it would be beneficial to have a Board member attend the meeting and express the Board's opinion. Mr. Foster agreed. The Board's opinion statement had already been filed, but he felt it would be worthwhile if someone could reinforce that statement in person.

Tom Deaver planned to attend the meeting and he offered to represent the Board. Mr. Foster restated that the Board's position was opposition to the density because it surpasses the existing agreement with McAllister. That reason was an important distinction from a blanket opposition to the proposal and that distinction should be emphasized to the Planning Commission.

Cabin Area Zoning

Mr. Foster reported that the Board discussed the proposed zoning at the December Board meeting. The link was provided to all the Board members so they could read the documents. He had suggested that anyone who wanted to contribute to the Board's position should forward questions to Mr. Foster. He had not heard back from anyone and assumed they had not read the document or did not have a strong opinion or questions. Mr. Foster stated that at some point the Board would need to formulate an opinion because Summit County would request it. Pine Meadow Ranch is the largest Owners Association involved in the rezoning and the County has already inquired about their position.

Mr. Burdette believed it was hard to evaluate the proposal because it has never been done in the County and they have no idea what it means. He understood that the Cabin Area zoning would restrict some uses on the Ranch that are currently permitted, and he agreed that some should be restricted. Mr. Foster noted that the documents on the website list the permitted or conditional uses under the Cabin Area zoning. If anyone has questions regarding those uses, those questions should be posed to Summit County while they were still drafting the rezone.

Mr. Gonzales had read through the list and believed most of the uses were consistent with the CC&Rs. Mr. Foster pointed out that short-term rental was a proposed restricted use, which was a use the Board could not restrict because it was not prohibited in the CC&Rs.

Mr. Powell could not see Summit County changing their mind on rezoning based on the Board's opinion. Mr. Foster agreed that the County would not make their decision on the opinion of the Pine Meadow Ranch Owners Association. However, the document is large and complicated and he believed that the largest Owners Association affected by the rezone may have some influence on the details of the zone.

Mr. Burdette believed that the possibility of changing a condition in a cabin zoned area would be easier than changing a condition in an AG100 area, such as the use of four-wheelers or cutting fire wood. Mr. Foster thought a good question for Summit County would be the process for changing permitted or conditional uses within the zone. It would be good to know what could be modified once the zone is created.

Mr. Burdette pointed out that Dan Heath used to raise Emus and it was never a problem for the neighbors. He would not favor a decision that would restrict someone from doing something on their own land if it would not impact anyone. Mr. Foster reiterated the importance of reading the actual documents and making comments. He recalled from his reading that most of the items prohibited in the Cabin Area Zone were

commercial uses.

### Water Board Update

Mr. Foster reported that there was a leak in Tollgate Canyon underneath the pump house on Moss' Pond. A valve underneath the pump house had broken. The valve is buried in concrete because the building was poured over the top of it. Mr. Foster clarified that the pump house was built long before the Water Company took over the water system. Once the location of the leak was discovered they were able to isolate the leak by shutting off four properties in Tollgate Canyon. Aside from those four properties, everything else on the Ranch was functioning normally.

Mr. Foster stated that the Water Board debated whether to haul water for those four people to get them through the winter, but the final decision was the necessity to fix the leak. The area has been blue staked and after the current storm cycle the Water Company will try to reach the valve. The concern is that the feed line that was leaking lies in the same trench as the pump line coming up the canyon. Power lines for well activities were also in that same trench. Mr. Foster had recommended a contractor who does plastic welds to make sure someone would be on-call to rebuild that section in case a problem occurs. The repair would be tricky and hopefully they would be able to start it the following week.

Aside from the leak, everything else is operating normally for the Water Company. The electronic digital read meters were installed and the meters have been read throughout the Ranch a couple of times. The readings identified some leaks in cabins and the owners were able to repair them immediately. Mr. Foster stated that the promise of a better system has been proven so far.

### **New Business**

Mr. Burdette stated that as the Board discusses specific issues and makes decisions, they need to consider who they truly represent and ask themselves that question each time they meet. Mr. Burdette pointed out that the Board represents all owners on the Ranch and not a specific owner or group. The Area Reps represent all the people in their area. Mr. Burdette remarked that when issues come up, the Board provides leadership to the Ranch and they need to keep in mind who they represent.

Mr. Burdette commented on the issue of raising dues, and he believed the dues structure that was passed was grossly unfair. The Board had the opportunity to show leadership at the special meeting of the Owners Association. However, because many of the Board members did not comment, their silence allowed the owners to proceed

with an idea that was led by a very small group of property owners. Mr. Burdette recognized that only a small group of property owners attended. The Board took the legal action required to get the ratification of the owners to change the dues, but the Board did not show leadership in the discussion to help the Ranch Owners make a proper decision.

Mr. Burdette stated that private meetings have been held on the Ranch for months to encourage increasing the dues. The majority of that group attended the meeting and took an active role in advancing an increase in dues. Mr. Burdette had written a posting and put it on the Forum online. He made no attempt to hide his identity and the purpose was to send a message to the people who did not make the effort to attend an important meeting where their voices needed to be heard.

Mr. Burdette clarified that many Ranch members encouraged him to run for Vice-President because they did not share Dan Heath's political feelings on the Board. He was not disappointed in the outcome of that election because having Mr. Heath provides balance on the Board. However, he believed that the Board as a whole had a responsibility to guide the owners to make a better decision. They allowed those who use the roads the least to be charged with a 25% increase. Those who use the roads the most have a 14.3% increase. He did not believe that was fair and he mentioned the unfairness in his Forum posting.

Mr. Gonzales acknowledged that he did not attend the special meeting and was in no position to argue Mr. Burdette's point. However, if a group was formed specifically for the purpose of attending the meeting to make sure a vote to increase the dues would pass, nothing could have been done differently to change the outcome if those opposed were outnumbered by those in favor. If the Board had been aware that a group had purposely organized with that intent, the Board would have had the opportunity to lead and encourage more owners to oppose the increase.

Mr. Burdette stated that the organizer of that group sat back and allowed it to happen. He could have made a claim that raising the dues in this fashion was grossly unfair to the owners who use the roads the least, which is almost 50% of the Ranch. Mr. Gonzales pointed out that the organizer is the least likely to oppose what he organized.

Mr. Gonzales was unaware that a group was organizing and he asked if the other Board members were aware that it was taking place. If they had been informed, he would agree that the Board could have handled the situation differently. Mr. Deaver stated that he first heard about the group when it was brought up at the special meeting. Mr. Deaver pointed out that some of the Board members voiced opposition to an increase during that meeting.

Mr. Foster remarked that Mr. Burdette's point was well taken. Mr. Foster noted that he had suggested that a percentage increase would be a more fair approach if the majority wanted to increase the dues to improve the roads. It fell on deaf ears and his suggestion did not appear to make a difference. Mr. Burdette recalled that Mr. Foster made the suggestion when a motion was already on the table and was being discussed. A motion was made and seconded rather quickly and the discussion ensued aggressively.

Mr. Foster believed that increasing the dues and doing more road work is valuable to the Ranch, and recognized that he and Mr. Burdette disagree on that opinion. However, he was unaware that a movement was formed to increase the dues and he thought it was handled poorly. Mr. Foster believed the situation was a glitch that could be fixed. He proposed that next year they shift back to a dues structure that the Board agrees is a good proposal.

Mr. Gonzales favored that approach because it gives those who were upset by the increase the opportunity to be heard. Mr. Burdette pointed out that once the statements are sent out reflecting the increase, he expected a number of Ranch owners would refuse to pay. That would be the worst thing that could happen to the Owners Association because it would delay the revenue source for at least a year.

Mr. Burdette was concerned that the situation could erupt into the ugly battle they had ten years ago between full-timers and part-timers. The Board has done a tremendous amount of work to promote a more cohesive environment to the Ranch in general. The action that the Board allowed to take place during the Owners Meeting may have destroyed that environment.

Mr. Powell believed the Board did take a leadership role and it was ignored by the owners. The Board had recommended that the current dues structures be maintained and a slim majority of those in attendance overturned that recommendation. Mr. Powell stated that he had voted in favor of the increase, but he honestly had not thought about the percentage aspect. If he had, he may have voted differently.

Mr. Powell agreed with the owners' comments that more work has been done on the Tollgate road than on the Forest Meadow Road. His take on the discussion was that the anger was directed towards unfairness in road work. Mr. Burdette thought those present at the meeting wanted to see more work done on access roads in and out of the Ranch as opposed to roads within the Ranch. He believed that opinion was different from what the Board has discussed in their meetings for the past two years.

Mr. Gonzales asked if there was any discussion during the meeting on how to allocate the increased funds and if that allocation was part of the motion. He was told that funds were not allocated in the motion. Mr. Gonzales thought the Board still had the opportunity to lead and do the right thing for the people they represent in majority. If funds were not allocated, the Board could offer a refund based on the fact that there is surplus money from 2011.

Mr. Burdette believed Mr. Gonzales had contradicted himself. If they lead the best they can for the people in majority, it would be landowners only because they are the single largest group of owners on the mountain. Mr. Burdette did not think the Board runs as a democracy and caters to the majority of people on the Ranch. The majority own property with no structures and they do not care about mag water or other improvements. Mr. Gonzales suggested that the Board could still offer a refund or some other action pertaining to their benefit.

Mr. Powell stated that he voted from what he knows. In walking around his area, he has never encountered anyone who complained about the dues or thought they should be lowered. He cannot assume to know what all the landowners in his area think without any communication from them. He voted for the increase because the comment he has heard was the desire to pay more to achieve better roads and access.

Mr. Burdette believed the misconception was what could be accomplished with the additional \$40,000 in dues. People believe it will give them smooth asphalt roads from I-80 past Oil Well Road, and the same thing on the Forest Meadow side. Mr. Deaver noted that Mr. Burdette mentioned the misconception several times but it was ignored. Mr. Burdette stated that he also explained the \$75,000 surplus and the reason for having it, but that did not matter either.

Mr. Foster remarked that the decision was made and everyone has mixed feelings. However, it needs to play out this year and the Board needs to decide how they could make it different going forward. Mr. Burdette clarified that the Board did not have the ability to change the dues structure that was ratified by the owners. They had no choice but to live with the outcome this year and revisit the issue at the next annual meeting

Mr. Foster thought it was important to clarify on the record that none of the Board members in attendance this evening thought the way the process occurred was appropriate. Whether increasing the dues was a good idea or not, everyone agreed that the majority of property owners who would benefit the least were impacted the most, and those were vacant landowners. The Board shared a clear opinion that the increase was not done in a good way. Mr. Foster thought the Board needed to decide how to proceed through 2012 with the hand they were dealt, and how to improve it

going forward.

Tony Tyler, Lot D-33, suggested sending a postcard to all the owners asking them to check off where they would like to see the additional \$40,000 spent. In his time on the Ranch most of the comments he heard were in favor of better roads. Most people would rather have improved access into the Ranch as opposed to spending money on roads inside the Ranch. He has heard the same comments for the Forest Meadow side. Mr. Tyler stated that personally he would like to see the roads better maintained, but that does not necessarily mean repaving everything. Mr. Tyler clarified that he voted in favor of the increase, but like Mr. Powell, he did not think about the percentage increase until later.

Mr. Tyler remarked that at this point, the best way the Board could show leadership would be to solicit owner feedback projects. Mr. Burdette thought it would be too difficult to please everyone and it would create additional problems. Mr. Tyler clarified that he was only suggesting that the Board seek input from the owners. The Board would prioritize the projects and there would be no guarantees to the owners. Mr. Burdette remarked that the Board is the body that makes those decisions and he preferred to have the Board decide where to spend the additional money.

Mr. Foster stated that when he posted the special meeting notice, he posted that the Board had suggested maintaining dues at the current levels. He felt they had an obligation to include a statement on the invoices explaining that while the Board had proposed to maintain the existing dues, a majority of owners who attended the meeting voted for an increase.

Mr. Foster summarized that the challenge for the Board was to do the best with what the vote had produced and try to improve upon it as they approach next year. He thought the Board should do a better job of justifying the budget they propose and use whatever feedback they get throughout the course of this year to bring the Ranch back to a point where they all work together.

Mr. Burdette was concerned that next year they would see a similar movement to increase the dues again. Without someone taking the responsibility to lead that group into a more rational and reasonable position, they would see a similar outcome. Mr. Burdette remarked that the emails he has received are less about the \$50 increase and more about the unfairness between landowners and full-time residents. Mr. Foster was confident they could change that next year.

## **Monthly Budget**

Mr. Foster reminded Mr. Burdette that Carol should provide a PDF of the budget statement to be posted monthly with the minutes. Mr. Deaver asked if the Board was required to post Jody's compensation on the PDF. He thought some of the information contained on the financial statement should not be publicized. Mr. Foster was unsure if a non-profit organization could withhold information. Mr. Burdette stated that every Ranch owner has the right to see everything the Board does. The problem is that the website is not restricted to Ranch owners. Mr. Burdette recommended grouping all the professional compensation into one group without names. Mr. Foster concurred.

Mr. Burdette reviewed the detail report of unpaid bills, plus a reimbursement to Suzanne Larson for the Christmas gift the Board gave to Carol.

Mr. Burdette stated that the bills for Capital One, Home Depot and Sinclair are paid electronically. He had no information on the Capital One bill and requested that Carol send him that documentation so the Board would know what they were approving. Mr. Burdette asked Jody what was charged on the Capital One card. Jody replied that it was a tie rod end for the dump truck. The Home Depot charges were items for the shop. Jody asked if the approval to paint the shop two years ago was still valid because he was ready to purchase the paint. Mr. Burdette stated that Jody could purchase the paint, but painting the shop should fit within Jody's schedule as time permits. Mr. Foster noted that the furnace parts were also on the Capital One bill. The Sinclair bill was for fuel.

MOTION: Bob Burdette made a motion to pay all the bills as outlined. Tom Deaver seconded the motion.

VOTE: The motion passed unanimously.

Mr. Burdette stated that it has been proposed that the Pine Meadow Ranch Owners Association reimburse a portion of the cell phone bill that Jody incurs, since it is also used for Ranch business. Mr. Burdette noted that the bill is approximately \$90 per month. The Association could either pay a percentage of the total bill or pay a flat dollar amount.

Mr. Deaver wanted to know how many minutes were included in the plan and if Ranch business exceeds those minutes. Jody stated that he does not exceed the 900 minutes allocated in the plan. Mr. Foster pointed out that the current plan does not include a data plan. If Jody upgrades his phone, he would need to purchase a data plan. He believed the basic Verizon iPhone plan was somewhere around \$100 with data. The estimated monthly bill with the new data plan would be \$144. Mr. Deaver suggested a flat fee of \$70 to reimburse Jody. He reiterated his earlier proposal to reimburse Jody

retroactively from January 2011 in the amount of \$45 per month and begin reimbursing Jody at \$70 per month beginning January 2012.

MOTION: Bob Burdette made a motion to pay \$75 per month as a flat fee towards Jody's ongoing cell phone bill, and the Ranch would pay 100% of the cost of purchasing the phone to give Jody internet access and email access to conduct Ranch business. Hutch Foster seconded the motion.

VOTE: the motion passed unanimously

Mr. Burdette authorized Jody to purchase the phone using the Capital One credit card.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:30 p.m.

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